

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

UNITED STATES OF AMERICA §
§
v. § 7:18-CR-0855-1
§
JORGE ZAMORA-QUEZADA §

DEFENDANT'S MOTION TO CONTINUE SENTENCING AND POSTPONE FORFEITURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JORGE ZAMORA-QUEZADA, Defendant, by and through his undersigned counsel, and respectfully moves this honorable Court to Continue Defendant Jorge Zamora-Quezada's Sentencing Hearing and postpone all matters pertaining to the forfeiture of assets related to the same.

The Government has alleged that there are 1,485 patients "have been confirmed as victims of the offense" and were "misdiagnosed with Rheumatoid Arthritis and/or other auto-immune diseases." Defendant requested information as to these patients on February 25, and the government said on February 26 that it was working on getting this information. Defendant believes that this information is relevant to the issues that have to be decided at sentencing, particularly the loss calculation, which will have a large impact on the Sentencing Guidelines applicable here. Defendant respectfully requests this Court to order the Government to provide the Defendant with information pertaining to the patients whom the Government has identified as "victims" who were "misdiagnosed," including the claims data associated with these patients and the manner and method of how those patients have been "confirmed" to have been "misdiagnosed" at least 21 days before sentencing.

Additionally, the Government has filed its motions for forfeiture of numerous assets associated with the Defendant and the alleged conduct. The Government has not, however,

provided the Defendant with any tracing information connecting the assets to the alleged fraud. For example, the government has not provided the Defendant with any tracing information connecting the assets to the specific patients who are in the indictment or the 1,485 patients whom the government says have been “confirmed” to have been “misdiagnosed.” The information sought is necessary for the Defendant to properly and adequately defend the allegations and protect his interests. The Defendant respectfully requests the above referenced information be provided at least twenty-one (21) days prior to any setting or responsive pleading being due so that Defendant can have adequate time to have an expert, if necessary, address any issues and provide a written response.

Defendant, Jorge Zamora-Quezada states that this Motion is not sought for the sole purpose of delay but so that justice may be done. Defendant request this Court continue the following:

- 1) Defendant Jorge Zamora-Quezada’s Sentencing currently set for 3/27/20 [DKT. 671]
- 2) United States’ Opposed Motion for Preliminary Order of Forfeiture [DKT. 702]

Defendant, Jorge Zamora-Quezada further requests this Court issue an Order for the Government to provide the following information at least twenty-one (21) days prior to any hearing or deadline for a responsive pleading:

- 1) Information pertaining to the patients whom the government has said have been “confirmed” to have been “misdiagnosed.” Specifically, the Government is to provide information on these patients including the claims data related to these patients and the manner and method by which they have been “confirmed” to have been “misdiagnosed.”
- 2) Any tracing information connecting the assets being forfeited to the specific patients who are in the indictment or who have been “confirmed” to have been

“misdiagnosed.”

A proposed order reflecting the relief requested herein is also attached.

Respectfully submitted,

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CERTIFICATE OF CONSULTATION

Counsel for Jorge Zamora-Quezada conferred with Assistant United States Attorney, Adrienne Frazier, as to the relief sought in this Motion and she is opposed.

/s/ Tomas F. Tijerina
Tomas F. Tijerina

CERTIFICATE OF SERVICE

On March 12, 2020, this motion was served on all counsel of record via ECF.

/s/ Tomas F. Tijerina
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